

Message Text

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PAGE 01 STUTTG 00282 161549Z

ACTION COME-00

INFO OCT-01 EUR-12 ISO-00 EB-08 L-03 /024 W

-----161611Z 065071 /46

R 161445Z FEB 77

FM AMCONSUL STUTTGART

TO SECSTATE WASHDC 3384

INFO AMEMBASSY BONN

UNCLAS STUTTGART 282

COMMERCE FOR GILPATRIC

E. O. 11652: N/A

TAGS: BDIS GW

SUBJ: COMMERCIAL PROGRAM; TRADE COMPLAINT: CARSON ALEXIOU

CORP. VS POLYTEC GMBH

1. REF THE ALEXIOU-POLYTEC CASE POUCHED TO STUTTGART JANUARY 25 FROM DOC, CONGEN OFFICER VISITED HERR LOSSAU OF POLYTEC FOR EXTENSIVE DISCUSSIONS FEBRUARY 11. LOSSAU AND POLYTEC ARE WELL KNOWN TO CONGEN AS SUCCESSFUL REPRESENTATIVE AND PARTNER OF MANY US ELECTRONIC FIRMS. HIS TRANSACTIONS AND DEALINGS HAVE ALWAYS BEEN EXCELLENT. A WTDR WAS PREPARED 4/75 AND IS BEING UPDATED.

2. POLYTEC AND ALEXIOU HAVE BEEN INVOLVED IN JOINT DEVELOPMENT OF SPECTROSCOPY EQUIPMENT SINCE ALEXIOU'S CREATION SOME YEARS AGO. ORIGINAL PLANS CALLED FOR COMPLETION OF SYSTEM BY 8/75. SYSTEM IS NOW COMPLETE, ACCORDING TO LOSSAU, EXCEPT FOR OVERDUE SOFTWARE PACKAGE FROM ALEXIOU. NUMEROUS ENTANGLEMENTS, STEMMING FROM THE FACT THAT INITIAL AGREEMENT WAS ORAL AND NO CONTRACT WAS SIGNED, INDICATE THAT IF BROUGHT TO COURT POLYTEC HAS GROUNDS FOR DAMAGES IN GERMANY, AS ALEXIOU MIGHT IN CALIFORNIA.

3. POLYTEC AND ALEXIOU REMAIN ON FAIRLY GOOD PERSONAL TERMS

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PAGE 02 STUTTG 00282 161549Z

IN SPITE OF THE DISPUTE, LOSSAU WILL BE VISITING ALEXIOU IN MARCH FOR A FINAL ATTEMPT AT NEGOTIATING A SETTLEMENT. WE STRESSED TO HIM THE ADVANTAGE TO ALL CONCERNED OF DOING SO WITHOUT OUTSIDE HELP, AND SUGGEST DOC COULD MAKE THE SAME APPROACH TO ALEXIOU. LOSSAU BELIEVES THE PRODUCT AND ITS MARKET CAN STILL BE SALVAGED IF AGREEMENT CAN BE REACHED AT THAT TIME. IF AGREEMENT PROVES IMPOSSIBLE, LOSSAU IS WILLING

TO CONSIDER IMPARTIAL ARBITRATIO, AS EMBASSY BONN, IN A SIMILAR DISPUTE, HAD PROVIDED SUCCESSFUL ARBITRATION SOME YEARS AGO. HIS IDEA IS TO POST AS BOND WITH AN ARBITRATOR THE TOTAL AMOUNT DUE ALEXIOU, TO BE HELD BY THE ARBITRATOR PENDING SATISFACTORY RECEIPT AND TESTING OF OVERDUE SOFTWARE PACKAGE FROM ALEXIOU.

4. AS THERE ARE NO FORMAL CHANNELS FOR SETTLING WHAT IS BASICALLY AN INFORMAL AGREEMENT BETWEEN TWO FIRMS, AND BECAUSE WE DOUBT THE USG WOULD WISH TO ENTER THE CASE AS A BOND HOLDING ARBITRATOR, WE RECOMMEND COMMERCE ASK ALEXIOU TO MAKE EVERY EFFORT TO REACH AGREEMENT WITH POLYTEC DURING LOSSAU'S UPCOMING VISIT.

JENKINS

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Message Attributes

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Decapton Date: 01-Jan-1960 12:00:00 am
Decapton Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
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